IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 2546 of 2007

Date of Decision : 19.02.2007

Kasturi Lal

... Petitioner

Versus

State of Punjab and others.

.. Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Mr. Rajewshwar Singh, Advocate,
for the petitioner.

J.S. Khehar, J. (Oral)

The petitioner earlier approached this Court by filing Civil Writ Petition No. 489 of 2007. The grievance of the petitioner at the aforesaid juncture was, that the petitioner had deposited fee, as well as, documents with the Tehsildar, Amritsar-I, requiring her to register the same on 22.12.2006, but the Tehsildar for certain extraneous reasons had declined to register the aforestated documents. Consequent upon the issuance of notice of motion in the aforesaid writ petition, wherein the concerned Tehsildar was summoned to this Court, this Court was informed, that the documents presented by the petitioner for registration, namely, a Power of Attorney, as well as, a Will pertaining to property located in the State of Himachal Pradesh had been considered and declined by the Tehsildar on 22.12.2006. The aforesaid writ petition was , accordingly, disposed of with a direction to

the concerned Tehsildar to furnish a copy of the order dated 22.12.2006 to the petitioner. Liberty was also granted to the petitioner to impugn the same in case he was dis-satisfied with the order passed by the Tehsildar on 22.12.2006.

The order dated 22.12.2006 passed by the Tehsildar has been placed on the record of this case along with a forwarding letter dated 02.02.2007 as Annexure P-8. A perusal of Annexure P-8 would reveal, that the concerned Tehsildar arrived at a conclusion that the two documents sought to be registered by the petitioner collectively constitute a sale of property located in the State of Himachal Pradesh. According to the impugned order, in terms of Section 118 of the Himachal Tenancy and Land Reforms Act, 1994, the aforesaid property cannot be sold by the petitioner to anyone in Himachal Pradesh. For the aforesaid reason, the Tehsildar according to the order dated 22.12.2006 had declined to register the documents presented by the petitioner. A perusal of the aforesaid order dated 22.12.2006 also reveals, that the same is appealable at the hands of the petitioner. Be that as it may the petitioner approached this Court by filing the instant writ petition without seeking recourse to the appellate remedy.

In the peculiar circumstances of this case, we consider it just and appropriate to relegate the petitioner to the remedy of the appeal available to him. The petitioner states, that he would prefer an appeal against the order dated 22.12.2006 supplied to him with a covering letter dated 02.02.2007 on or before 01.03.2007 within period of limitation.

In case, the petitioner prefers an appeal against the impugned order dated 22.12.2006 within the time noticed herein above, the appellate

authority shall dispose of the appeal by passing a well reasoned speaking order, within two months from the date of receipt of the appeal along with certified copy of this order.

Disposed of accordingly.

Order dasti on payment of usual charges.

( J.S. Khehar )
Judge

February 19, 2007
vkd

( S.D. Anand )
Judge